

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

FILED  
JUN 21 2016  
U.S. DISTRICT COURT  
ELKINS WV 26241

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK COWDEN,

Defendant.

Criminal No.

5:16 cr 24

Stamp

Violations:

18 U.S.C. § 242

18 U.S.C. § 1519

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

(Deprivation of Rights)

On or about January 27, 2015, in Hancock County, within the Northern District of West Virginia, defendant **MARK COWDEN**, while acting under color of law, physically assaulted R.H., a person known to the Grand Jury, resulting in bodily injury to R.H., and thereby willfully deprived R.H. of the right, secured and protected by the Constitution and laws of the United States, not to be deprived of due process of law, which includes the right to be free from the use of excessive force by a law enforcement officer, in violation of Title 18, United States Code, Section 242.

**COUNT TWO**

(Obstruction of Justice – Falsification of Document)

On or about January 29, 2015, in Hancock County, within the Northern District of West Virginia, defendant **MARK COWDEN**, in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly falsified and made a false entry in a document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction, that is, the defendant falsified a Hancock County Sheriff's Office form, titled "Obstructing An Officer," relating to his use of force against an arrestee, R.H., a person known to the Grand Jury, that: (1) falsely claimed that R.H. became "more agitated" as he approached the Hancock County Sheriff's Office; (2) falsely described R.H. as "verbally abusive/combative" at the Sheriff's Office; (3) falsely claimed that the defendant and another officer told R.H. "to settle down"; (4) falsely claimed that R.H. was told "to stop at the elevator" in the Sheriff's Office; (5) omitting that the defendant struck R.H. in the head; and (6) omitting that the defendant's use of force injured R.H, in violation of Title 18, United States Code, Section 1519.

A true bill,

/s/ \_\_\_\_\_  
Foreperson  
(Signature on File)

/s/ \_\_\_\_\_  
William J. Ihlenfeld, II  
United States Attorney

Jarod J. Douglas  
Assistant United States Attorney

Nicholas Murphy  
Department of Justice Trial Attorney  
Criminal Section, Civil Rights Division